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| APPLICATION NO.              | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|------------------------------|-------------|----------------------|---------------------|------------------|
| 09/991,081                   | 11/16/2001  | David Rogoff         | 45620/JEJ/B600      | 1176             |
| 23363                        | 7590        | 10/18/2005           | EXAMINER            |                  |
| CHRISTIE, PARKER & HALE, LLP |             |                      | DINH, MINH          |                  |
| PO BOX 7068                  |             |                      | ART UNIT            |                  |
| PASADENA, CA 91109-7068      |             |                      | PAPER NUMBER        |                  |

2132

DATE MAILED: 10/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                                      |                                      |  |
|------------------------------|--------------------------------------|--------------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>09/991,081 | <b>Applicant(s)</b><br>ROGOFF ET AL. |  |
|                              | <b>Examiner</b><br>Minh Dinh         | <b>Art Unit</b><br>2132              |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 27 July 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) 16-22, 27-29, 33-36, 39 and 40 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15, 23-26, 30-32, 37 and 38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 3/5/02, 5/27/03.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Election/Restrictions*

1. Applicant's election of species (a) as disclosed in figures 7-8 and 11 which correspond to claims 1-15, 23-26, 30-32 and 37-38 in the reply filed on 07/27/2005 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).
2. Claims 16-22, 27-29, 33-36 and 39-40 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 07/27/2005.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-4, 6-7, 10-14 and 30-32 are rejected under 35 U.S.C. 102(b) as being anticipated by Davis (5,818,939). Davis discloses a system comprising: a key source for storing a cryptographic key, encrypting the cryptographic key, and for transmitting

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the encrypted cryptographic key over a control bus (fig. 4, elements 330, 335; fig. 8); and a transmitter for receiving the digital data, receiving the encrypted cryptographic key over the control bus, decrypting the encrypted cryptographic key to recover the cryptographic key, encrypting the digital data using the cryptographic key to generate encrypted data, and for transmitting the encrypted data (fig. 4, element 315; fig. 8; col. 3, lines 21-45).

5. Claims 23-26 and 37-38 are rejected under 35 U.S.C. 102(b) as being anticipated by Komuro et al (WO 99/22372). Komuro discloses a system comprising: a key source comprising a set-top box for storing a cryptographic key, encrypting the cryptographic key, and for transmitting the encrypted cryptographic key over a communications link (figure 5A, elements 120' and 125; figure 7), the communications link being functionally equivalent to a control bus linking two separate devices (Specification, page 26, line 30 – page 27, line 13); and a receiver comprising a digital TV for receiving the encrypted data, receiving the encrypted cryptographic key over the control bus, decrypting the encrypted cryptographic key to recover the cryptographic key, decrypting the encrypted data using the cryptographic key to generate digital data, and for transmitting the digital data (figure 5A, elements 120' and 125; figure 7; page 17, lines 1-6).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Davis as applied to claim 1 above, and further in view of "Philips Semiconductors Increases I<sup>2</sup>C-Bus Speed to 3.4 Mbits Per Second; New High-Speed Mode Targeted for Fast, Mixed-Voltage Systems" (hereinafter "Philips Semiconductors"). Davis does not disclose using an I<sup>2</sup>C bus. "Philips Semiconductors" discloses using I<sup>2</sup>C bus (Abstract). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Davis system to use an I<sup>2</sup>C bus, as taught in "Philips Semiconductors". The motivation for doing so would have been to provide an ideal solution for today's high-speed, mixed-voltage systems.

8. Claims 8-9 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davis as applied to claim 1 above, and further in view of Saito (6,789,197).

Regarding claims 8, Davis does not disclose using a public key system. Saito discloses using a public key system (col. 3, lines 4-16). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Davis

system to use a public key system, as taught by Saito. The motivation for doing so would have been that it would be very difficult to cryptanalyze the crypton.

Regarding claims 9, Saito does not disclose using the RSA algorithm for the public key system. However, Examiner takes Official Notice that the RSA algorithm is a de facto standard and using the RSA algorithm is well known in the art. It would have been obvious at the time of the invention was made to modify the combined system of Davis and Saito further to use the RSA algorithm because it is a de facto standard.

Regarding claim 15, Davis does not disclose that the system is utilized as a set-top box. Saito discloses a similar system that is incorporated into a set-top box to provide data copyright management function (Abstract, figure 3). It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the Davis system into a set-top box, as taught by Saito, so that the system could be used to provide data copyright management function.

### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 5,915,018 to Aucsmith

U.S. Patent No. 5,923,754 to Angelo et al.

U.S. Patent No. 6,347,846 to Nakamura

U.S. Patent No. 6,681,326 to Son et al.

U.S. Patent No. 6,834,111 to Nishimura et al.

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U.S. Patent No. 6,845,450 to Kobayashi et al.

U.S. Patent Application Publication No. 2003/0005285 to Graunke

Intel Corporation, "High-bandwidth Digital Content Protection System"

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh Dinh whose telephone number is 571-272-3802.

The examiner can normally be reached on Mon-Fri: 10:00am-6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

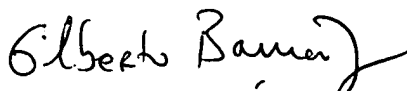
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MD

Minh Dinh  
Examiner  
Art Unit 2132

MD

10/16/05

  
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